**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Suits - RWS&S Department – Allegations of negligence and delay in payment of final bill amount to the Petitioner pertaining to the work of "Construction of Compound Wall to Z.P.High School, Nagulavaram Village of Vinukonda Mandal, Palnadu District" – Non implementation of Hon'ble High Court Orders dated 05.10.2021 in W.P.No.22431 of 2021 filed by Sri Maddula Venkateswara Reddy, R/o Vinukonda Mandal, Guntur District covered under the Batch cases of W.P.No.10038/2021 - Form-I Notice to the Respondents in C.C. No. 1744 of 2022 – Departmental Proceedings against Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur under Rule 20 of A.P.Civil Services (CC&A) Rules, 1991 - Article of charges – Issued.

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**PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.VI) DEPARTMENT**

**G.O.Rt.No. 919.** **Dated 21.11.2022.**

**Read the following:-**

1. Common Orders dated 05.10.2021 in W.P.No.22431 of 2021 filed by Sri Maddula Venkateswara Reddy, R/o Vinukonda Mandal, Guntur District, covered under the Batch cases of W.P.No.10038/2021.
2. Contempt Case No.1744/2022 filed by Sri Maddula Venkateswara Reddy, R/o. Vinukonda Mandal, Guntur District.
3. Orders of the Hon'ble High Court of A.P., dated 14.10.2022 in C.C.No.1744 of 2022 in which Notice issued in Form-I to Respondents and Personal Appearance of Principal Secretary to Govt., P.R. & R.D. on 18.11.2022.

* * *

**O R D E R:**

It is proposed to hold an enquiry against Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur, in accordance with the procedure laid down in Rule-20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur is informed that an enquiry will be held only in respect of those article of charge as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur is further informed that, if he does not submit his written statement of defence on or before the period specified in Para (3) above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

(P.T.O.)

6. Attention of Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct Rules) 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings, it will be presumed that Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct Rules) 1964.

7. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**GOPAL KRISHNA DWIVEDI**
**PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II
and on deputation working as Incharge Executive Engineer,
Samagra Shiksha, Guntur through the Engineer-in-Chief, RWS&S,
Vijayawada.
The Engineer-in-Chief, RWS&S, A.P., Vijayawada
(with a request to serve the copy and return the dated acknowledgement copy).
Copy to:
The State Project Director, Samagra Shiksha, Vijayawada.
The Addl. Project Coordinator, Samagra Shiksha, Guntur.
SF/SCs.

//FORWARDED::BY ORDER//

**SECTION OFFICER**

**ANNEXURE-I**

**Statement of Article of Charge framed against Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur.**

* * *

**CHARGE:**

That Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur has not taken proper action to implement the Orders of Hon'ble High Court of A.P., dated 05.10.2021 in W.P.No.22431 of 2021 covered under the Batch cases of W.P.No.10038/2021. Though the work was completed on 03.05.2021 and the Orders passed by the Hon'ble High Court of A.P., dated 05.10.2021 in W.P.No.22431 of 2021, he paid the final bill amount to the Petitioner with a delay of (9) months i.e., on 07.07.2022 pertaining to the work of "Construction of Compound Wall to Z.P.High School, Nagulavaram Village of Vinukonda Mandal, Palnadu District" and thereby Hon'ble High Court issued Notice in Form-I to the Respondents in C.C.No.1744/2022, which causes embarrassment situation before the Hon'ble High Court by the Government.

Thus, with the above mentioned acts, Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur has violated the above Orders of Hon'ble High Court and failed to discharge his duties, exhibited lack of integrity, not shown devotion to duty and exhibited unbecoming of a Govt. Servant and thereby contravened Rule 3 (1) and 3 (2) of A.P.Civil Services (Conduct) Rules, 1964.

**GOPAL KRISHNA DWIVEDI**
**PRINCIPAL SECRETARY TO GOVERNMENT**

**SECTION OFFICER**

**ANNEXURE-II**

**Statement of Imputations of Misconduct and Misbehaviour in support of Article of Charge framed against Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur.**

* * *

**Basis:**

Whereas, Sri Maddula Venkateswara Reddy, R/o.Vinukonda Mandal, Guntur District was entrusted the work of "Construction of Compound Wall to Z.P.High School in Nagulavaram (V) in Vinukonda Mandal of Palnadu District" under MGNREGS Grant. The above said work was administratively sanctioned vide Proc.Rc.No.562/2018/D, dated 19.08.2018 of the District Collector & DPO., MGNREGS, Guntur. Technical Sanction was accorded vide Proc.DR.No.65/2018-19, dated 21.08.2018 of the Executive Engineer, Samagra Shiksha Abhiyan, Guntur. The work was commenced on 30.08.2018 and date of completion of work is 03.05.2021. The value of work done is Rs.18,24,420/- and the total amount claimed by the Petitioner is Rs.16,62,515/-. The first and part bill paid to the Petitioner on 28.12.2018 for Rs.1,36,686/-.

The Petitioner Sri Maddula Venkateswara Reddy, R/o Vinukonda Mandal, Guntur District has approached the Hon'ble High Court of A.P., by filing of W.P.No.22431 of 2021 before the Hon'ble High Court of A.P., with a prayer to direct the respondents to deposit the balance amount of Rs.16,62,515/- along with Interest of 18% per annum from the date of execution of the works in the accounts of Gram Panchayat of Nagulavaram Village of Vinukonda Mandal of Palnadu District.

The Hon'ble High Court of A.P., in its Orders dated 05.10.2021 in W.P.No.22431 of 2021 covered under the Batch cases in W.P.No.10038/2021, under Para-74 held that "accordingly, these writ petitions are allowed duly giving certain directions therein".

Sri G.Sudhakar, the then Dy. Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur has check measured the above said work on 03.05.2021 and after completion of work, he generated FTOs under MGNREGS vide FTO No.8076021000172, dated 06.07.2021 for Rs.13,13,054/-.

Due to non-payment of bills, Sri Maddula Venkateswara Reddy, R/o Vinukonda Mandal, Guntur District has filed C.C.No.1744 of 2022 in W.P.No.22431 of 2021 before the Hon'ble High Court of A.P. on 23.04.2022.

Subsequently, the final bill amount of Rs.13,13,054/- has been adjusted after deducting the statutory recoveries and withheld amount to Gram Panchayat on 07.07.2022 and the same was paid to the Petitioner by Gram Panchayat.

(P.T.O.)

The Hon'ble High Court of A.P., in its Orders dated 14.10.2022 in C.C.No.1744 of 2022 have issued Notice in Form-I to the Respondents. During the course of C.C.No.1744 of 2022, it is observed that, there is a delay between the orders passed by Hon'ble High Court of A.P., dated 05.10.2021 in W.P.No.22431 of 2021 and payment of final bill amount to the Petitioner on 07.07.2022, which causes embarrassment situation before the Hon'ble High Court by the Government.

Therefore, unnecessary complications and legal issues/embarrassment situation have been aroused before the Hon'ble High Court by the Government in C.C.No.1744/2022.

Thus the Government Servant Sri G.Sudhakar, the then Dy. Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur has violated the above Orders of Hon'ble High Court and failed to discharge his legitimate duties properly, exhibited lack of integrity and conduct unbecoming of a Government Servant and thereby contravened the Rule 3(1) & 3(2) of A.P.Civil Services (Conduct) Rules, 1964.

Hence, the charge.

**GOPAL KRISHNA DWIVEDI**
**PRINCIPAL SECRETARY TO GOVERNMENT**

**SECTION OFFICER**

## ANNEXURE-III

**List of Documents by which the Article of Charge framed against Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur are proposed to be sustained.**

* * *

1. Common Orders dated 05.10.2021 in W.P.No.22431 of 2021 filed by Sri Maddula Venkateswara Reddy, R/o Vinukonda Mandal, Guntur District, covered under the Batch cases of W.P.No.10038/2021.

2. Contempt Case No.1744/2022 filed by Sri Maddula Venkateswara Reddy, R/o. Vinukonda Mandal, Guntur District.

3. Orders of the Hon'ble High Court of A.P., dated 14.10.2022 in C.C.No.1744 of 2022 in which Notice issued in Form-I to Respondents and Personal Appearance of Principal Secretary to Govt., P.R. & R.D. on 18.11.2022.

**GOPAL KRISHNA DWIVEDI**
**PRINCIPAL SECRETARY TO GOVERNMENT**

**SECTION OFFICER**

## ANNEXURE-IV

**List of Witnesses by whom the Article of Charge framed against Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as Incharge Executive Engineer, Samagra Shiksha, Guntur are proposed to be sustained.**

* * *

-NIL-

**GOPAL KRISHNA DWIVEDI**
**PRINCIPAL SECRETARY TO GOVERNMENT**

**SECTION OFFICER**